

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

RAY SALAZAR,
TDCJ #1226905,
Petitioner,
VS.

RICK THALER,

Respondent.

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CIVIL ACTION NO. C-10-74

MEMORANDUM AND RECOMMENDATION

Petitioner, an inmate at TDCJ-CID's McConnell Unit in Beeville, Texas, filed this *pro se* petition pursuant to 28 U.S.C. § 2254, challenging disciplinary action taken against him. Pending is petitioner's application for leave to proceed *in forma pauperis* (D.E. 3, 7).

Petitioner's *in forma pauperis* data sheet reflects that as of March 16, 2010, petitioner had \$50.50 in his inmate trust account. The filing fee for filing a habeas corpus petition is \$5.00. Petitioner can afford to pay the fee.

RECOMMENDATION

It is respectfully recommended that petitioner's application for leave to proceed *in forma pauperis* (D.E. 3, 7) be denied without prejudice and that petitioner be ordered to pay the filing fee within twenty days.

ORDERED this 22nd day of March, 2010.


B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE

NOTICE TO PARTIES

The Clerk will file this Memorandum and Recommendation and transmit a copy to each party or counsel. Within **FOURTEEN (14) DAYS** after being served with a copy of the Memorandum and Recommendation, a party may file with the Clerk and serve on the United States Magistrate Judge and all parties, written objections, pursuant to 28 U.S.C. § 636(b)(1)(C); Rule 72(b) of the Federal Rules of Civil Procedure; and Article IV, General Order No. 2002-13, United States District Court for the Southern District of Texas.

A party's failure to file written objections to the proposed findings, conclusions, and recommendations in a magistrate judge's report and recommendation within FOURTEEN (14) DAYS after being served with a copy shall bar that party, except upon grounds of *plain error*, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court. Douglass v. United Servs. Auto. Ass'n, 79 F.3d 1415 (5th Cir. 1996) (en banc).